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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan. The report provides an assessment of the overall situation in the country since my previous report, dated 23 July 2008 (S/2008/485), as well as an update on the activities of the United Nations Mission in the Sudan (UNMIS) until 4 October 2008. As requested by the Council, it devotes particular attention to the implementation of the Abyei Road Map Agreement of 8 June (paras. 9-14).

II. Security situation

2. The security situation in the UNMIS area of operations improved during the reporting period. In Abyei the situation stabilized as implementation of the Abyei Road Map Agreement continued. UNMIS freedom of movement was restored in several locations, although the Mission continued to suffer restrictions, particularly in the north of Sector VI. At the national level, the possible indictment of President Omar al-Bashir by the International Criminal Court was a focus for debate, but it had no immediate impact on the security situation in the UNMIS area of operation.

3. In Southern Kordofan, the reporting period saw a decline in reports of inter-ethnic violence. The July nomad migration season ended peacefully, and the parties' agreement to open closed areas in the Nuba Mountains gave further grounds for optimism. However, the build-up of Sudan Armed Forces (SAF) and Sudan People's Liberation Army (SPLA) forces in the North-South border area remained a cause for concern.

4. The civilian disarmament programme launched by the Government of Southern Sudan generated tensions in some southern States. On 8 September, eight people sustained gunshot wounds during a disarmament exercise carried out by SPLA in Rumbek. SPLA involvement in the exercise was suspended after local civilians and United Nations staff complained of episodes of assault, intimidation and robbery.

5. Renewed clashes with the Lord's Resistance Army (LRA) were reported, ending a period of relative calm. On 18 September, suspected LRA elements

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allegedly attacked an SPLA detachment near Yambio, Western Equatoria. Reportedly, one SPLA soldier and three LRA rebels were killed, villagers abducted and houses looted and burned. Meanwhile, approximately 5,000 Congolese refugees were displaced into the Yambio area, following attacks by alleged LRA elements on the Democratic Republic of the Congo side of the border.

III. Political developments

6. The political scene was dominated by reactions to the request of the Prosecutor of the International Criminal Court for an arrest warrant against President Omar al-Bashir. Attention was focused on the position to be taken by the Government of National Unity and the possible effect of an indictment on the ongoing peace processes in the Sudan. On 16 July, President Al-Bashir tasked a committee chaired by the First Vice-President, Salva Kiir, to develop the Sudan's diplomatic and legal position to the crisis. A Special Prosecutor was appointed by the Ministry of Justice on 3 August to investigate allegations of human rights abuses committed in Darfur since 2003. Also in August, President Al-Bashir launched the "Sudan People's Initiative", which seeks to form a national position on resolving the Darfur crisis by reaching out to all political parties.

7. The Government of National Unity assured the United Nations that it would continue to cooperate with both UNMIS and the African Union — United Nations Hybrid Operation in Darfur (UNAMID). However, senior Government officials issued public warnings of possible serious consequences for UNMIS if the President is indeed indicted. I and my Special Representative received similar warnings directly. We have reiterated to the Government that the United Nations will respect the independence of the judicial process and that UNMIS will remain committed to implementing its mandate in support of the peace process in the Sudan.

8. Discussions on the timing of national elections in the Sudan intensified. The Minister for Presidential Affairs of Southern Sudan, Luka Biong, recently predicted that elections might have to be postponed for six months or more. However, the National Congress Party (NCP) has stated on various occasions that it sees no reason to postpone the elections. During a press conference held on 13 September, the Deputy Chairman of the Sudan People's Liberation Movement (SPLM), Riek Machar, stated that the parties had yet to consult on these issues.

IV. Implementation of the Comprehensive Peace Agreement

Abyei

9. Implementation of the security arrangements under the Abyei Road Map Agreement made good progress. As at 4 October, almost all SAF and SPLA personnel had left the Road Map area as required. The exceptions were, first, a small, unverified group of Sudan Armed Forces, who continue to provide security at Diffra oilfields in the outer ring. Army personnel manning two checkpoints on the roads to the oilfields redeployed on 28 September and were replaced by 10 Government police at each checkpoint. Second, 38 SPLA military police remained at Agok and continued to undertake patrols in the area. UNMIS continues

to press the parties to withdraw these forces in accordance with the Comprehensive Peace Agreement and the Abyei Road Map Agreement.

10. The new Abyei Joint Integrated Unit became operational at the end of August and is gradually assuming control of military positions as Sudan Armed Forces and SPLA depart. All 640 personnel of the Unit completed a training course delivered by an UNMIS military team. UNMIS provided transport to allow deployment of a battalion headquarters at Abyei and one company each at Manyang and Todache. Preparations for the deployment of two further companies to Diffra and Agok are ongoing. Provision of radios, tents and generators has been initiated by UNMIS with donor support.

11. The Joint Integrated Police Unit has deployed and is policing Abyei town. The first batch of 168 personnel of the Unit arrived early in August, comprising 150 regular police (103 from the south and 47 from the north) and 18 officers (2 from the south and 16 from the north). UNMIS provided transport, tents, rations, water tanks and medical supplies, and conducted a comprehensive 10-day basic training course for the Unit's personnel. The second batch, consisting of 33 Government police personnel and 49 Southern Sudan Police Service personnel, has since arrived in Abyei, bringing the overall strength of the Police Unit to 250. The final structure of the Unit and its deployment plan have yet to be finalized. United Nations police have drafted a memorandum of understanding clearly outlining the roles of the Abyei Joint Integrated Unit and Joint Integrated Police Unit in maintaining law and order in Abyei, which has been approved by the commanders of the two units. Further logistical support is urgently needed from the Government and the donor community to support the development of security and the rule of law, especially the judicial system.

12. On 8 August, the Presidency appointed Arop Mayak Mony Tock (SPLM) as Chief Administrator for the Abyei Interim Administration and Rahama Abdelrahman al-Nour (NCP) as his Deputy in accordance with the Abyei Road Map Agreement and with the Comprehensive Peace Agreement provisions. On 6 October, President Al-Bashir appointed the remaining members of the Abyei Executive and Area Councils pursuant to the Road Map. While the latter recognizes the Government's principal responsibility for the long-term development of the area, donors are considering a United Nations-non-governmental organization transitional appeal to support the new administration and assist with early recovery and reconstruction needs.

13. Voluntary returns to Abyei remained slow but steady. As at 1 October, between 12,000 and 16,000 persons, out of some 50,000 displaced, had returned to the area. Of these, approximately 5,000 persons returned to Abyei town and its immediate surroundings, although many return to outlying villages at nightfall. The Abyei market is gradually re-establishing itself. As many internally displaced persons are still concerned about the threat of unexploded ordnance, the United Nations Mine Action Office stepped up mine risk education, and established a temporary base in Abyei to coordinate clearance tasks. Based on the assessments of the Mine Action Office, the threat of unexploded ordnance appears to be lower than expected.

14. As requested by the Ceasefire Political Commission, the UNMIS Force Commander led an inquiry by the Ceasefire Joint Monitoring Commission into the events in Abyei of 14 to 20 May and produced a draft report. Finalization of the report, which was to be submitted to the Ceasefire Political Commission in July, has

however been repeatedly delayed by both sides. I urge both parties to ensure the completion of the report and, in accordance with its findings, to take action against those responsible for the violence, looting, and displacement of the civilian population of the town and surrounding areas.

Southern Kordofan

15. Positive developments continued in Southern Kordofan State. On 4 August, senior officials formally launched the integration of the former SPLM-controlled ("closed") areas around Kauda and Julud into the State administration. Some 4,443 SPLM workers and around 1,500 police personnel from the former "closed" areas are being absorbed into State civil service and police structures. This represents an important step towards implementing a long-neglected aspect of the Comprehensive Peace Agreement.

Redeployment of forces

16. As at 4 October, the total redeployment of SAF troops verified by UNMIS and accepted by the Ceasefire Joint Monitoring Commission stood at 96.9 per cent of the 46,403 troops initially stated as being present south of the current border line. For SPLA, verified and accepted redeployment stood at 10.6 per cent of 59,168 troops initially stated as being present north of the current border line.

17. The relatively low percentage of redeployed SPLA forces remains a source of tension, as does the concentration of military forces in the vicinity of the oilfields and other areas of the disputed border line. However some progress was made in verification of SPLA forces in areas of tension. In Southern Kordofan, 3,737 SPLA troops were verified in the contested area of White Lake/Jaw and are awaiting redeployment south of the current border line. Meanwhile in Blue Nile State, UNMIS verified 18 SPLA tanks reported to have crossed from Ethiopia in July. Early in September, SPLA offered to draw all former Fifth Front forces together in Samari, Blue Nile State, for monitoring and verification. Owing to heavy rains and logistical problems, the monitoring and verification operation was conducted in five separate locations. The stated figures of SPLA were 5,760 troops, of which 3,895 could be verified.

Joint Integrated Units

18. As at 4 October, the Joint Integrated Units had reached 84.7 per cent of their mandated strength of 39,639 troops, SAF soldiers comprising 52.4 per cent and SPLA 47.6 per cent of the total. However, the Units still lack communication equipment, transport, administrative facilities, habitation, water and sanitation. Financial and logistic supply lines have yet to be unified. Working with the Unit headquarters in Juba, UNMIS is exploring options to accelerate logistical support and specialist assistance for the Units from the international community. The United Kingdom, the Netherlands and Italy expressed willingness to provide funding, while the Government of Egypt committed itself to providing tents, generators and mess utilities through direct supply.

National census and elections

19. In August, national authorities began the process of scanning data gathered during the April census. According to the United Nations Population Fund

(UNFPA), major results including population totals at State, county and locality levels, and the north-south ratios, are expected by the end of 2008. The Comprehensive Peace Agreement foresees the use of census results in apportioning National Assembly seats and in the delimitation of constituencies.

20. Despite the adoption of the electoral law in July, other electoral preparations made little progress in the reporting period. As at 4 October, the nine-member National Elections Commission called for in the Comprehensive Peace Agreement had still not been formed. Delays in establishing the Commission and allocating funds however could make it difficult to adhere to the target election date of July 2009. Once established and funded, the Commission will need to rapidly build up its staff and offices at the national, regional and State levels, and develop policy on issues from voter registration and the enfranchisement of internally displaced persons to the delimitation of constituencies at all levels of the complex electoral process.

21. The Political Parties Affairs Council, required to effect registration of political parties, has also not been formed. Aspects of the broader legal framework, including the media and press laws and the National Security Act, need to be brought into conformity with the Bill of Rights enshrined in the Interim National Constitution of the Sudan. The Referendum Act, a vital piece of enabling legislation for the self-determination of the people of Southern Sudan, is also long overdue.

Wealth-sharing

22. In the first week of August, the Joint Technical Committee for Monitoring, Calculating and Sharing of Oil Revenue indicated that arrears to the Government of Southern Sudan for the period 2005-2007 have been steadily paid, reducing them to approximately $55.86 million. There are none outstanding for the first half of 2008. Both NCP and SPLM stated that the data provided by the Committee addressed some concerns regarding increased transparency in sharing oil revenue data. SPLM requested that attention should be paid to delays in the transfer of funds. It also called for splitting the Oil Revenue Stabilization Account into two accounts so that the Government of Southern Sudan could accrue interest on the funds.

V. Implementation of other peace processes in the Sudan

23. From 15 to 17 August the Beja Congress, the dominant component of the erstwhile Eastern Front, held its second ever General Conference, and re-elected Musa Mohamed Ahmed as Chairperson. Non-Beja members of the Eastern Front's Central Committee boycotted the conference and subsequently decided to freeze Ahmed's membership in the Eastern Front. The row raised concerns that factional divisions could further slow implementation of the Eastern Sudan Peace Agreement, distracting attention from key concerns of the people of eastern Sudan.

24. The signing of the Final Peace Agreement between the Lord's Resistance Army and the Government of Uganda remains uncertain, despite re-established contacts in the past two months between the LRA leader, Joseph Kony, the Chief Mediator, Lieutenant General Riek Machar, and my Special Envoy, Joaquim Chissano. The Final Peace Agreement was not signed as scheduled on 6 September in Ri-Kwangba because Kony broke contact just a few days before the signing.

Failure to bring the peace talks to a close will increase concern about security and stability in the region, in particular, in Greater Equatoria and Southern Sudan.

25. The new Joint African Union-United Nations Chief Mediator for Darfur, Djibril Yipènè Bassolé, took office on 31 July and has begun intensive consultations to establish the basis for a mediation strategy. After preliminary consultations in New York, he held meetings with Government officials and various stakeholders in Khartoum, Juba and El Fasher, including representatives of rebel movements. Khalil Ibrahim of the Justice and Equality Movement (JEM) and Abdul Wahid al-Nur of SLA expressed willingness to continue with the political process in their meetings with the Chief Mediator. Mr. Bassolé also paid visits to the African Union Commission in Addis Ababa and to regional actors in Cairo and Asmara. He will soon go to Tripoli and N'Djamena for similar consultations.

VI. Implementation of the mandate of the United Nations Mission in the Sudan

Good offices, conflict management and reconciliation

26. Throughout the reporting period, my Special Representative maintained constant dialogue with the leadership of NCP and SPLM, as well as other key stakeholders in the Sudan peace process. Working through the ceasefire institutions established under the Comprehensive Peace Agreement, UNMIS urged the parties to move forward on pending issues, such as redeployment of forces out of the area covered by the Abyei Road Map Agreement. My Special Representative also encouraged the leadership on both sides to advance the issue of border demarcation and held meetings with the Chairman and Deputy Chairman of the Border Commission.

27. As civilian disarmament campaigns got under way in Southern Sudan, UNMIS encouraged a comprehensive, civilian-led approach, limiting the role of SPLA to protection support. My Special Representative offered United Nations assistance, drawing on experience from other missions, and UNMIS proposed the loan of containers to SPLA to ensure safe storage of collected weapons. UNMIS and the United Nations Development Programme (UNDP) worked closely with the Government of Southern Sudan, and its newly established Bureau for Community Security and Arms Control, to develop a comprehensive policy for the whole of Southern Sudan.

28. UNMIS continued to provide capacity-building and good offices to community- and State-led initiatives in support of conflict management and reconciliation. The absence of a clear institutionalized approach to resolving local disputes, including tribal, cattle-raiding and transboundary issues, has eroded confidence in institutions like the Southern Sudan Peace Commission. This issue will increase in salience as the elections approach and issues such as constituency delimitation take on more importance.

Military deployment and activities

29. As at 4 October 2008, 99.52 per cent (9,333 out of 9,375) of UNMIS military personnel have been deployed, including 611 military observers, 178 staff officers and 8,544 troops.

30. Throughout the reporting period, the UNMIS military maintained its regular support to the ceasefire mechanisms. The Ceasefire Joint Monitoring Commission and the Area Joint Military Committees in all six sectors met regularly. Joint patrols of UNMIS military observers and the parties' National Monitors continued to monitor military movements, focusing particularly on verification of troops in the Abyei Road Map area and Blue Nile State. Restrictions on UNMIS freedom of movement were lifted in many areas and the number of monitoring and verification denials decreased significantly, although limitations remained, particularly in Sector VI (Abyei). In September, UNMIS military supported a workshop series initiated by SPLA to enhance awareness of the Comprehensive Peace Agreement among its senior leaders.

31. In August, the Department of Peacekeeping Operations and the Department of Field Support conducted a joint review of UNMIS military capabilities. Recommendations were informed by the mission threat assessment, which identifies areas of potential conflict along the border line of 1 January 1956 and the southern boundary with the Democratic Republic of the Congo. Subject to budgetary approval, the study recommends the deployment of one additional company in Sector I (Juba), three in Sector IV (Kadugli) and two in Sector VI (Abyei), with an armoured personnel carrier platoon for force protection. Sector V (Damazin) will be downsized from a four-company to a three-company battalion, the fourth company being redeployed to protect the El Obeid Logistics Base. Transport, engineering and medical resources will be restructured accordingly, and demining and engineering resources deployed flexibly to facilitate optimum utilization. Implementation of the review will require an overall increase in the UNMIS force strength from 9,375 to 9,975 troops, which is within the mandated strength (10,000) according to Security Council resolution 1590 (2005).

Abyei assessment

32. A Department of Peacekeeping Operations fact-finding team led by Major General (retired) Patrick Cammaert visited the Sudan from 9 to 12 August, in the wake of criticism and questions regarding UNMIS actions during the Abyei crisis in May. Overall, the team found that, while most of Abyei's population had left before the fighting reached its peak, UNMIS had been successful in protecting a large group of persons inside its compound. At the same time, the team found room for improvement and recommended that the Mission should review its overall deployment, with a view to reinforcing Sector VI and other possible flashpoints. It should also develop an effective and integrated conflict management strategy.

33. Recommendations of the fact-finding mission were incorporated into planning and reflected in recommendations of the military capability study referred to in paragraph 31 above. In the meantime, all facilities have been strengthened with available resources.

Police

34. As at 4 October 2008, UNMIS police have 599 police advisers from 43 countries (at 84 per cent of mandated strength), including 48 women, deployed to 22 sites across the mission area.

35. UNMIS police continued to train local police personnel throughout the Mission area, with a special focus on basic training. A total of 1,700 Government police officers were trained in forensics, crime investigation, gender issues, computers, explosives awareness and community policing. UNMIS commenced training of 100 Government women police officers in Khartoum in gender issues, child protection and dealing with cases of domestic violence. Once trained, those police officers will staff Family Protection Desks to extend services to women and children who come in contact with the law.

36. In the south, UNMIS trained 2,104 Southern Sudan Police Service officers in airport security, community policing, computers, criminal investigation, traffic and special operations. The details of over 6,500 officers were harmonized and added to the UNMIS police personnel database. UNMIS also assisted in the finalization of the annual budget of the Southern Sudan Police Service and the streamlining of payroll operations. In a bid to promote gender mainstreaming and improve professional standards of women officers, UNMIS, supported by the Common Humanitarian Fund, is running literacy classes in Juba for 38 women officers of the Southern Sudan Police Service.

37. In the coming months, increased training of trainers will be required to enable the Southern Sudan Police Service to take over basic training itself by December 2008. Additional UNMIS police personnel may be required to support this goal and expand existing training activities in the north and eastern Sudan. Currently, expansion of co-location, field training and community policing to more internally displaced person camps is on hold for lack of sufficient numbers of qualified police advisers. Recommendations for a review of the size of the UNMIS police component will be submitted to the Council in my next report.

Disarmament, demobilization and reintegration

38. UNMIS continued to work with the parties to drive forward plans for the commencement of the multi-year disarmament, demobilization and reintegration programme in the Sudan. In a positive development, the Northern and Southern Disarmament, Demobilization and Reintegration Commissions agreed on modalities for operations in the Three Areas, in which they will form an integrated structure to lead and oversee the programme. This marks an important step forward, as both SAF and SPLA have a high number of pre-registered participants in disarmament, demobilization and reintegration in these areas. Of the benchmarks identified in my April report for the start of the programme, only the finalization of the joint operational plan for disarmament and demobilization is outstanding.

39. On 9 September, the National Disarmament, Demobilization and Reintegration Coordination Council agreed to conduct a pilot disarmament and demobilization programme for 700 to 1,000 beneficiaries. My Special Representative has pledged the full support of the United Nations for this exercise, which is planned for November. Following assessment of the lessons from this exercise, demobilization would then continue in Blue Nile and be extended in 2009, first to Southern

Kordofan and gradually throughout the country. The programme will unfold in line with joint priorities, local conditions of stability, Government and United Nations operational readiness and available donor funding. A round-table conference for donors is expected to be held in Juba in November.

40. UNMIS, through the United Nations Children's Fund (UNICEF), commenced reintegration activities for 88 children formerly associated with SPLA, who were demobilized in May 2008. Almost all have now received follow-up visits by social workers and are enrolled in school. UNMIS supported UNICEF and the Southern Sudan Disarmament, Demobilization and Reintegration Commission in the distribution of non-food items to the children. Reintegration activities are ongoing for children previously demobilized in Khartoum, Gedaref and Southern Kordofan States. In eastern Sudan, UNDP supported the demobilization of 1,700 former combatants who are currently going through the reintegration process.

Return and reintegration

41. Despite the risks posed by impassable roads along major return routes during the wet season, sporadic spontaneous returns continued throughout the period, particularly by river barge. Organized repatriation of refugees and internally displaced persons came to a complete halt as hazardous road conditions, incompatible school calendars in countries of asylum, and the beginning of the planting season contributed to an unfavourable climate for further returns. Seasonal flooding meanwhile caused new displacement in various parts of the country, in some cases exacerbating harsh living conditions for those already displaced or recently returned.

42. Organized movements of internally displaced persons remained unchanged during the reporting period, 28,151 persons having returned so far in 2008, bringing the total number of returns to 80,938. By mid-September, the Office of the United Nations High Commissioner for Refugees (UNHCR) reported a cumulative total for organized and assisted refugee repatriation of 137,620 individuals, of whom 60,665 had arrived during 2008. Since the signing of the Comprehensive Peace Agreement in 2005, the grand total, including spontaneous repatriation, has reached 294,450. Combined with estimated movements of internally displaced persons, total spontaneous returns by late September were calculated to have reached well over 2 million persons. Cumulative totals from organized operations and spontaneous return estimates suggested that more than 2.37 million Sudanese had reached home by mid-October 2008.

Recovery and development

43. Progress in implementing humanitarian programmes helped to establish a foundation for long-term recovery and development. Programmes are progressing in the area of road construction, mine clearance, vaccination, and training of teachers, lawyers, police and government officials. More than 85,000 internally displaced persons were assisted in the first half of the year, and 3.4 million people received food assistance. Of $2.37 billion budgeted in the annual humanitarian workplan, donors had contributed $1.24 billion by August. During the first two quarters of 2008, humanitarian expenditure increased by $81 million to a total of $1.95 billion, mostly because of increased food prices and related transport costs.

44. Early recovery efforts are likewise on track. In the south, the Sudan Recovery Fund-Southern Sudan received $113 million in pledges for the next three years. Under government leadership, the Fund is now halfway through the first allocation of $20 million for livelihood programmes, and the aim is to accelerate delivery in the coming dry season. Donors contributed $2.5 million of the pledged $24 million to the recently established Darfur Community Peace and Stability Fund.

45. After the Sudan Consortium in May, a follow-up matrix was prepared and endorsed by the World Bank and donors. The matrix constitutes the basis of engagement with the Government of National Unity and the Government of Southern Sudan on enacting and monitoring the decisions of the Sudan Consortium. The third annual State-level planning and budgeting process was undertaken in Southern Sudan, which included an expanded consultation process with local stakeholders and was supported by UNMIS and UNDP. The Government of Southern Sudan completed its draft budget sector plans for 2009. Through the 2009 budget, the Government will continue to demonstrate its commitment to decentralization by significantly increasing the financial and asset transfers to States at an average of $45 million per State in 2009, up from $25 million in 2008.

46. Donor contribution to the Multi-Donor Trust Fund for Phase I (2005-2007) was approximately $662 million (including investments), $247 million being allocated to the National Trust Fund and $414 million to the Southern Sudan Trust Fund. The actual disbursements totalled $232 million (including programme management), $93 million for the National Trust Fund and $139 million for the Southern Sudan Trust Fund. Nationally, the Multi-Donor Trust Fund is continuing with activities carried over from Phase I, while the Oversight Committee is in dialogue with the Government of National Unity to detail the Phase II strategy. In the south, the Southern Sudan strategy for Phase II was approved and is being implemented.

47. The United Nations framework for supporting the transition to recovery and development, the United Nations Development Assistance Framework (UNDAF) 2009-2012, was signed by the Government in July 2008. Developed by joint United Nations-Government technical working groups, UNDAF defines the United Nations programmatic contributions in the Sudan, based on national priorities for the next four years. United Nations agencies are now proceeding to translate UNDAF into programmes that will start in 2009.

Human rights

48. UNMIS continued to monitor and express concern over the application of the death penalty in both north and south Sudan, particularly following trials that may not have met international standards. As at 4 October, there were 70 persons sentenced to death in Southern Sudan. In most cases, proper legal assistance was not available to them. Two men were executed in Wau and Juba during the reporting period. In July and August 2008, 50 individuals who had been brought to trial for alleged participation in JEM attacks were also sentenced to death by five anti-terrorism courts. Following the announcement of the verdicts, UNMIS raised concerns on procedural aspects of the trials as well as failure to meet international standards. Both the Interim National Constitution and the Interim Constitution of Southern Sudan restrict the application of the death penalty and allow it only as punishment for extremely serious crimes.

49. At the national level, the reform of the National Intelligence and Security Services and the establishment of the National Human Rights Commission remained outstanding. These are of increasing importance in view of the upcoming elections. Press freedom in the north also remains a concern. Newspapers faced regular censorship by national security. In September, two Sudanese English-language newspapers with offices in the south had their licences suspended by the National Press Council for failing to adhere to administrative rules.

50. In Southern Sudan, UNMIS reported increased engagement on human rights issues by civil society organizations and Government representatives, including the Office of the President's Adviser on Gender and Human Rights. However, institutions involved in safeguarding the rule of law need to be strengthened. Access to justice remained a challenge. Impunity continues to be a concern, as investigations into human rights violations are not always addressed promptly. Many detainees are held in inadequate conditions, for prolonged periods of time, without having their cases reviewed by competent judicial authorities.

Electoral assistance

51. On 16 August, UNMIS received a formal written request for electoral assistance from the Government of Southern Sudan. UNMIS has confirmed its intention to provide assistance in line with the Mission's mandate. A parallel request from authorities in Khartoum is expected in due course, and assistance will be forthcoming. Various staffing scenarios have been developed to respond to different levels of assistance that could be requested by the Sudanese authorities. Once the nature and extent of the required assistance is clear, it is likely that UNMIS will need to recruit additional staff quickly in order to provide the requested support.

52. UNMIS now has core staff in place in Khartoum and at the regional office in Juba as well as small teams in each of the 10 States of Southern Sudan. UNMIS is continuing to expand the size of the State teams in the south and is moving to increase capacity in Khartoum and Juba. There are also plans to recruit a small team for El Fasher to facilitate closer coordination with UNAMID. UNMIS and UNDP are actively engaged in coordination mechanisms both within the United Nations system and with the international community.

Rule of law

53. In Southern Sudan, UNMIS continued to monitor and advise on legal reform. The Southern Sudan Penal Code, Criminal Procedure Code, Child Bill, and related legislation were promulgated during this period with UNMIS advisory support. UNMIS, in coordination with UNDP, supported the Land Commission in drafting a land policy for Southern Sudan, on which an eventual land law will be based. UNMIS continues to support the Prisons Service of Southern Sudan in the development of a Prisons Bill and prison operating procedures. At the national level, the Police Act was passed.

54. While United Nations support to the prison system is limited by the availability of resources, UNMIS continued its assessment of prisons in the north. On 31 July, national authorities requested UNMIS assistance to organize training for corrections officers. In the south, UNMIS helped to provide basic training to 954 former SPLA officials, including 284 women, deployed to the prisons service.

UNMIS also provided in-service training to staff in Rumbek and Juba, and maintained an advisory presence in all 10 Southern States.

Child protection

55. Ninety-nine children associated with the Justice and Equality Movement who were detained following the attack on Omdurman in May were pardoned by the President. On 8 September, 54 of those children were released to Western Darfur, where 42 have been reunited with their families. Inadequate protection measures for 29 of the 45 children who remain in the interim care centre north of Khartoum continue to raise concern. There is apprehension that the Government may continue to use these children as witnesses in the trials of JEM adult combatants, notwithstanding strong advocacy by the United Nations to the contrary. Of grave concern is the fact that one 16-year-old child in detention has received the death penalty under sharia law. An appeal against the death sentence has been lodged by the child's legal representatives.

56. The Southern Sudan Legislative Assembly passed the 2008 Child Bill in August, and it awaits signature by the President of Southern Sudan. The bill contains provisions advocated for by UNMIS and others, including an increase in the age of criminal responsibility from 10 to 12 years, alternatives to the incarceration of child offenders, and stronger punishment for abduction and trafficking.

57. In Abyei, of more than 255 children reported missing following the May conflict, 190 were reunited with their families or otherwise accounted for by early August. Tracing efforts for the remaining children are ongoing.

Protection of civilians

58. Civilians continue to suffer abuses on the part of uniformed personnel. Reports from Warrab State since July indicate that SPLA soldiers were involved in the killing of eight people, rapes, assaults and stealing of local crops. According to civilians interviewed, six women and one adolescent girl were raped, and three women miscarried after being beaten. Also of concern are civilian killings and injuries during forced civilian disarmament initiatives. Clashes between tribal communities continued to cause civilian deaths and displacement, particularly in Jonglei State. UNMIS is engaging all components of the Mission in the development of a comprehensive strategy for the protection of civilians.

Public information

59. The Mission continued to promote factual and accurate reporting on UNMIS activities by national and international media through briefings, statements and interviews. The UNMIS Public Information Office continues to upgrade its media monitoring capacity, providing an enhanced information service to all Mission components on mandate-relevant news and commentary. *In Sudan*, the recently launched UNMIS periodical, focuses on activities related to the Comprehensive Peace Agreement carried out by the Mission and the wider United Nations system. The Public Information Office cooperates closely with the electoral and disarmament, demobilization and reintegration units on production and dissemination of awareness-raising information materials. The electoral law is now accessible in English and Arabic via the UNMIS website. The Public Information

Office also provides continuing information support on humanitarian issues as a lead member of the Inter-Agency Working Group, especially through its wide-ranging video and photographic coverage of humanitarian activities, much of which is used by international media outlets.

60. UNMIS radio (Miraya FM) still faces operational restrictions in the north and the Three Areas. In Southern Sudan, it broadcasts information on 13 FM relay stations. Miraya FM can be heard throughout the country on short-wave radio. The provisions of the Comprehensive Peace Agreement aimed at promoting media reform, which need to be implemented in advance of the elections, have yet to be addressed by the parties.

Mine action

61. To date, UNMIS mine action teams have cleared 2,107 of the 3,956 identified dangerous areas, and opened 27,155 kilometres of road. As the rainy season limited demining operations, the focus was on the recruitment and training of deminers and the prioritization of routes and areas to be cleared in the dry season, in collaboration with other United Nations agencies, State governments and non-governmental organizations. In-country training and accreditation was completed for newly arrived mine-clearance companies. Work continued to develop national capacity and permit the transfer of mine action regulatory responsibilities to them, including through the third transition workshop, held in Khartoum in August.

Conduct and discipline

62. UNMIS maintained its focus on the prevention of misconduct and sexual exploitation and abuse through training programmes, outreach campaigns and policy advice to managers regarding potential risk factors. Mandatory training on prevention of workplace harassment, sexual harassment and abuse of authority was introduced. Over 250 participants attended public information campaigns in Juba and at Ahfad University for Women in Omdurman. Increased awareness of the United Nations zero-tolerance policy on sexual exploitation and abuse, and collaborative outreach activities with national authorities, United Nations agencies and the non-governmental organization community helped to keep incidents of serious misconduct at a minimum. During the period under review, 21 new cases of misconduct were reported.

Gender

63. UNMIS continued to support full implementation of Security Council resolution 1325 (2000) through gender and capacity-building training to the Government of National Unity, the Government of Southern Sudan, United Nations agencies, and other State and non-State actors. In the south and the Three Areas, UNMIS conducted gender awareness-raising activities on governance, elections, disarmament, demobilization and reintegration and support to victims of gender-based violence with Government representatives. This included encouraging the inclusion of gender perspectives in planned new legislation and security sector reform activities. Internally, UNMIS established a Gender Task Force and conducted training on gender mainstreaming for UNMIS gender focal points from various regional offices.

HIV/AIDS

64. UNMIS continued its programme of HIV/AIDS sensitization, training 198 HIV/AIDS peer educators, 50 of whom have the task of mainstreaming HIV/AIDS in disarmament, demobilization and reintegration programmes in the Sudan. HIV/AIDS awareness training targeted peacekeepers (1,484), local police (107), prisons (344), students (865), non-governmental organizations (106) and the general population (541), for a total of 3,447 who received information on HIV/AIDS. To prevent the spread of the disease, 750,000 condoms were distributed as part of the disarmament, demobilization and reintegration programmes and another 28,800 to prisons. The focus during the reporting period was on mainstreaming the HIV/AIDS issue into Mission activities and integrating it into outreach programmes.

Staff security

65. Demonstrations against the International Criminal Court continued throughout the country. To mitigate potential security incidents, UNMIS international and national warden systems were made operational, relocation drills were held, and daily radio checks were instituted. Building evacuation and fire warden exercises were held in July, and security measures at the UNMIS main headquarters building were reinforced. Meetings between the Mission and the Government were held to exchange information regarding the safety of United Nations staff. A dedicated staff security patrol and a response team were activated. Road safety and categorization assessment missions were conducted to identify potential threats and to update the standard operating procedures for staff missions and the use of United Nations vehicles. Security of United Nations staff and infrastructure remains a major concern in the context of possible future activities of the International Criminal Court in the Sudan.

66. There was a slight decrease in security incidents in Southern Sudan, attributable to the rainy season. Several incidents of armed robbery and pick-pocketing were reported. Violations of the status-of-forces agreement against United Nations staff included an incident in Yambio on 2 September, in which the weapons of a Signal Company were seized and a national staff member was arrested and kept in custody for several days. In Sector IV (Kadugli), work on enhancing security measures for the UNMIS camp continues. The situation in Blue Nile State remained relatively calm during the reporting period. In Sector V (Damazin) and Kassala, eastern Sudan, the presence of unexploded ordnance and mines posed an increased risk to United Nations staff.

67. UNMIS updated its security plan and security risk assessments, and recommended measures to address potential problem areas such as elections, issues associated with border demarcation, and ongoing tension over the indictment by the International Criminal Court.

Coordination with other peacekeeping missions

68. As instructed by the Security Council in its resolution 1812 (2008), UNMIS implemented the cooperation mechanisms with UNAMID outlined in my last report. UNAMID leadership participated in the UNMIS senior management retreat, and contact was maintained at both senior management and working levels. Regular exchange of information between UNMIS and the military component of the United

Nations Organization Mission in the Democratic Republic of the Congo is also ongoing, particularly in the light of increased reports of LRA activity in September.

Financial aspects

69. The General Assembly, by its resolution 62/267 of 20 June 2008, appropriated an amount of $820.7 million for the maintenance of UNMIS for the period from 1 July 2008 to 30 June 2009. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2009, the cost of maintaining the Mission until 30 June 2009 would be limited to the amounts approved by the General Assembly.

70. As at 31 July 2008, unpaid assessed contributions to the Special Account for UNMIS amounted to $636.6 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $3,568.7 million.

71. Reimbursement of troop-contributing Governments for troop and contingent-owned equipment costs has been made for the periods up to 31 August and 30 June 2008, respectively.

VII. Observations

72. The lack of mutual trust and confidence between NCP and SPLM remains the main challenge for the implementation of the Comprehensive Peace Agreement. This lack of trust consequently permeates into all major pending benchmarks set under the Agreement. The onus of improving mutual trust and confidence lies with the leadership of both sides. I urge the leaders to make efforts to improve their relationship in the spirit of the Comprehensive Peace Agreement.

73. There have also been positive developments, however. The Abyei Road Map Agreement was a significant achievement by the two partners in the Comprehensive Peace Agreement. The parties have successfully redeployed most of their forces out of the interim borders. There has been agreement on the Chairman and Deputy Chairman of the interim administration and the remaining members of the Abyei Executive and Area Councils have been appointed. The deployment of the Abyei Joint Integrated Unit and the Joint Integrated Police Unit is in progress. The process of arbitration on a final settlement of the issue is under way in the Permanent Court of Arbitration at The Hague. It is imperative now that the two parties redeploy their remaining forces out of the interim borders immediately. Setting up the interim administration should also be completed as a priority. There is also a need to harmonize the training and equipment of the Joint Integrated Units in order to achieve meaningful integration and operability. The Sudan Armed Forces must issue the requisite equipment to the Units in Abyei. While the decision on the final settlement lies with the Permanent Court of Arbitration, peaceful implementation of that decision, once again, would be the sole responsibility of the two partners. Further, I urge both parties to ensure the early completion of the Abyei report of the Ceasefire Joint Monitoring Commission and to take action against those found responsible for the violence and looting in accordance with the report's findings.

74. Demarcation of the border is a critical benchmark with implications for almost all other benchmarks under the Comprehensive Peace Agreement. The technical report of the Border Commission is expected to be submitted to the Presidency by mid-October. It is likely that the report will generate political disagreements that

will have to be resolved before the physical demarcation of the border on the ground is carried out. I urge the Presidency to reach agreement on the report as quickly as possible to ensure a timely commencement of the demarcation process. In proceeding with the demarcation process, a grassroots approach should be developed to explain to the local pastoral communities that the border will not be an impediment to their traditional movements.

75. I urge the parties to immediately lift all remaining restrictions of movement for UNMIS to enable the Mission to carry out its mandate in a comprehensive manner and assist the parties in maintaining peace to the maximum extent possible. I would also urge close coordination between the Ceasefire Political Commission and the Joint Defence Board to ensure that decisions taken by the Commission are implemented without undue delay. It is important for UNMIS to participate in the meetings of the Joint Defence Board that discuss support to and training of Joint Integrated Units, in order to provide support in line with the provisions of Security Council resolution 1812 (2008).

76. Census enumeration has been completed, and the census forms are now being processed. I hope the process will be successfully completed and its results accepted by the two parties, to facilitate the full and timely implementation of the Comprehensive Peace Agreement.

77. The parties have successfully passed the electoral law, and negotiations to appoint the members of the National Elections Commission are in progress. The United Nations has already received a request for electoral assistance from the Government of Southern Sudan and a needs assessment mission from Headquarters will be visiting the Sudan in this regard. As soon as the National Elections Commission is established, United Nations and international electoral assistance would also be coordinated at the national level. It will also be important for the Government to make budgetary provision for the work of the Commission so that it can carry out its many duties from its inception.

78. Successful implementation of the disarmament, demobilization and reintegration programme is critical to peace in the Sudan and will contribute significantly to confidence-building between the parties that should lead to a sustainable downsizing of military capabilities to the benefit of social expenditure. Disarmament and demobilization alone cannot lead to a durable peace, however. The disarmed and demobilized combatants must be reintegrated into the society as citizens with fair and just opportunities to be part of the workforce. In this regard, I urge the donor community to be generous with their pledges at the round-table conference to be held in November. Assisting the parties to peacefully implement the Comprehensive Peace Agreement on schedule remains an imperative.

79. In 2011, the people of Southern Sudan and Abyei will exercise their legitimate right of self-determination to vote for unity or separation. Whether the verdict is unity or separation, the sides cannot ignore their interdependence and common interest. I encourage the parties to initiate discussions on a long-term wealth-sharing agreement beyond 2011 for the sake of peace and the people of the Sudan.

80. I would like to suggest that the Security Council consider holding a thorough debate on provisions related to the protection of civilians in imminent danger under Chapter VII of the Charter of the United Nations, taking into consideration the public expectations such mandate provisions generate. Clear guidelines need to be

developed that can be translated into realistic rules of engagement for peacekeepers equipped with the requisite capacity.

81. As indicated above, developments in the Sudan will be influenced to a large extent by the relevant activities of the International Criminal Court, and its actions could have the potential to profoundly affect the work of the United Nations in the Sudan, including humanitarian efforts, and the ongoing peace process in the Sudan. Accordingly, I urge the Government of the Sudan to cooperate with the International Criminal Court and put in place an effective judicial and political process at the national level. It is critical that the Government of National Unity fully implement its obligations and commitments with respect to the peaceful implementation of the Comprehensive Peace Agreement, the comprehensive improvement of the situation in Darfur, and its cooperation with both UNMIS and UNAMID.

82. In conclusion, I wish to extend my gratitude to my Special Representative, to all United Nations personnel working in the Sudan and to the Member States, including troop-contributing countries and donors, for their determined efforts to support the implementation of the Comprehensive Peace Agreement.

Annex

Military and police component as at 7 October 2008

	Military component									
	Observers		*Staff officers*		*Troops*		*Military subtotal*		*Civilian police*	
Country	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Argentina									3	
Australia	5	1	8	1			13	2	8	2
Bangladesh	23		27		1 529	4	1 579	4	33	1
Belgium	3						3			
Benin	6						6			
Bolivia	20						20			
Bosnia and Herzegovina									4	2
Botswana	5						5			
Brazil	24						24		3	
Burkina Faso	6						6			
Cambodia	7		1		135		143			
Canada	22	2	6	2			28	4	6	
China	14		9		425	10	448	10	18	
Croatia			5				5			
Denmark	4	1	3				7	1	2	
Ecuador	20						20			
Egypt	23		18		781	15	822	15	14	
El Salvador	5						5		6	1
Ethiopia									15	
Fiji	7						7		8	
Finland			1				1		1	
France										
Gabon	5						5			
Gambia									17	1
Germany	33		5				38		5	
Ghana									15	2
Greece	3						3			
Guatemala	7		1				8			
Guinea	9						9			
India	19		25	1	2 576	5	2 620	6	71	7
Indonesia	12						12		7	
Italy										
Jamaica										
Jordan	14		6				20		26	2

	Military component									
	Observers		Staff officers		Troops		Military subtotal		Civilian police	
Country	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Kenya	4	1		1	776	44	780	46	16	3
Kyrgyzstan	8	18					6			1
Malawi	6									
Malaysia	8		2				10		4	
Mali	4						4		1	
Mongolia	2						2			
Mozambique	1						1			
Namibia	8	1					8	1	1	
Nepal	10		7				17		51	1
Netherlands	14		2				16		13	1
New Zealand	2		1				3			
Niger										
Nigeria	12						12		26	5
Norway	17		5	1			22	1	6	
Pakistan	15		20		1 535	7	1 570	7	11	1
Paraguay	8						8			
Peru	18						18			
Philippines	13						13		6	4
Poland	2						2			
Republic of Korea	7		1				8	1		
Republic of Moldova	1						1			
Romania	14						14			
Russian Federation	12		3		120		135		14	
Rwanda	14		2		251	3	267	3	8	
Samoa									8	
Senegal										
South Africa										
Sri Lanka	7						7		19	
Sweden	2		2				4		7	3
Thailand	10	2					10	2		
Turkey			3				3		32	1
Uganda	9	1					9	1	4	3
Ukraine	13						13		7	
United Kingdom			3				3			
United Republic of Tanzania	15	2					15	2		
United States of America									11	

	Military component									
	Observers		*Staff officers*		*Troops*		*Military subtotal*		*Civilian police*	
Country	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Uruguay	1						1		1	
Yemen	22		1				23		8	
Zambia	17		6		329	15	352	15	7	2
Zimbabwe	7	3					7	3	24	3
Totals by gender	**599**	**15**	**173**	**6**	**8 457**	**103**	**9 229**	**124**	**547**	**46**
Total	**614**		**179**		**8 560**		**9 353**		**593**	